

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Peggy E. Hellberg

Serial No.: 10/531,747

Confirmation No.: 3474

Filed: April 18, 2005

Examiner: Huang, G.

Group Art Unit: 1612

For: HISTONE DEACETYLASE INHIBITORS FOR TREATING DEGENERATIVE  
DISEASES OF THE EYE

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Alcon, Inc. is the owner of the entire interest in the above-identified patent application ("Present Application") and copending U.S. Patent Application Serial Nos. 10/694,309; and 11/836,309, ("Reference Applications"). The title history of the present Application and the copending Reference Applications is demonstrated by the attached Assignment documents and associated Notices of Recordation.

Alcon, Inc. (hereinafter referred to as "Alcon") hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Present Application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of any patents granted on the Reference Applications. Alcon hereby agrees that any patent so granted on the Present Application shall be enforceable only for and during such period that it, the Reference Applications, and any patents issuing therefrom are commonly owned. This agreement runs with any patent granted on the Present Application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Alcon does not disclaim the terminal part of any patent granted on the Present Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of patents granted based on the Related Applications, as presently shortened by any terminal disclaimer, in the event that any patent based on either of the Reference Applications subsequently: (1) expires for

Peggy E. Hellberg  
Serial No.: 10/531,747 (Conf. 3474)  
Filed: April 18, 2005

failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,  
ALCON, INC.

Date November 4, 2009

By Jason J. Derry  
Jason J. Derry  
Registration No. 50,692

Attachments

1. Notice of recordation for USSN 10/694,309
2. Assignment of USSN 10/694,309, recorded at Reel 014652, Frame 0756
3. Notice of Recordation for USSN 11/836,309
4. Assignment of USSN 11/836,309, recorded at Reel 019672, Frame 0888

Address for Correspondence:

Jason J. Derry  
IP Legal, Mail Code TB4-8  
Alcon Research, Ltd.  
6201 South Freeway  
Fort Worth, Texas 76134-2099  
Phone: (817) 615-5330

Attorney Docket No.: 2395 US F



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 25, 2004

PTAS



\*102592388A\*

ALCON RESEARCH, LTD.  
TERESA J. SCHULTZ  
R&D LEGAL COUNSEL, Q-148  
6201 S. FREEWAY  
FORT WORTH, TX 76134-2099

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/27/2003

REEL/FRAME: 014652/0756  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HELLBERG, PEGGY E.

DOC DATE: 10/23/2003

ASSIGNEE:

ALCON, INC.  
P.O. BOX 62, BOSCH 69  
HUNENBERG, SWITZERLAND CH-6331

SERIAL NUMBER: 10694309

FILING DATE: 10/27/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: HISTONE DEACETYLASE INHIBITORS FOR TREATING DEGENERATIVE DISEASES  
OF THE EYE

**RECEIVED**

**JUN 01 2004**

**R & D COUNSEL**

014652/0756 PAGE 2

SAUNDRA BALLENGER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

10:27:03

11-05-2003

10270 U.S. PTO  
10/694309

Form PTO-1595

RE

(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)



102592388

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Peggy E. Hellberg

## 2. Name and address of receiving party(ies)

Name: Alcon, Inc.

Internal Address: \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:



Assignment



Merger



Security Agreement



Change of Name



Other \_\_\_\_\_

Street Address: \_\_\_\_\_

P.O. Box 62, Bösch 69

City: Hünenberg State: Switzerland Zip: CH-6331

Execution Date: 10/23/2003

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 10/27/2003

A. Patent Application No.(s)

10694309

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Teresa J. Schultz

Internal Address: \_\_\_\_\_

Alcon Research, Ltd.

R&amp;D Legal Counsel, Q-148

Street Address: \_\_\_\_\_

6201 South Freeway

City: Fort Worth State: TX Zip: 76134-2099

## 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ \_\_\_\_\_



Enclosed



Authorized to be charged to deposit account

## 8. Deposit account number:

501051

(Attach duplicate copy of this page if paying by deposit account)

11/04/2003 DBYRNE 00000145 501051 10694309

01 FC:802

40.00 DA

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Teresa J. Schultz, Reg. No. 40,526

Name of Person Signing

Signature

27 Oct. 2003

Date

Total number of pages including cover sheet, attachments, and documents: 1

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

Docket #2395 US

## A S S I G N M E N T

WHEREAS I am the below named inventor of the invention entitled:

“HISTONE DEACETYLASE INHIBITORS FOR THE TREATING  
DEGENERATIVE DISEASES”

and described in a United States Patent Application filed with the United States Patent and Trademark Office on 27 October 2003, and further identified by Attorney Docket No. 2395 US;  
and

WHEREAS, ALCON, INC., a company organized under the laws of Switzerland and having a place of business at P. O. Box 62, Bösch 69, CH-6331 Hünenberg, Switzerland is desirous of acquiring the entire right, title and interest in and to said invention and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, I do hereby sell, assign and transfer to ALCON, INC., its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, I hereby agree that I will not execute any writing or do any act whatsoever conflicting with these presents, and that I will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant and render all necessary assistance in making application for and obtaining original, divisional, continuation-in-part, reexamined, reissued, or other Letters Patent of the United States or of any and all foreign countries on said invention and in enforcing any rights in action accruing as a result of such applications or patents, said assistance to include my cooperation in all prosecution associated with obtaining such applications or patents and my provision of testimony in any proceedings or transactions involving such applications or patents, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of assignor and assignee.

AND I request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said ALCON, INC., its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in said patent and the invention covered thereby.

Full name of inventor:

Peggy E. HELLBERG

Address:

3002 Oak Cove Road  
Arlington, Texas 76017

Inventor's signature:

Peggy E. Hellberg

Date:

10-23-03

Citizenship:

United States of America

STATE OF TEXAS

§

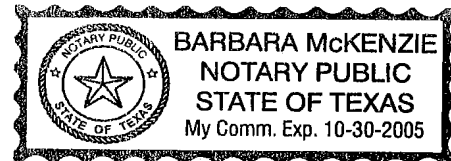
COUNTY OF TARRANT

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§

On this 23rd day of October, 2003, before me personally appeared **Peggy E. Hellberg**, to me known to be the person named in and who executed the above instrument, and acknowledged to me he/she executed the same for the uses and purposes therein set forth.

Barbara McKenzie  
Notary Public



Docket No. 2395 US



## UNITED STATES PATENT AND TRADEMARK OFFICE

### Facsimile Transmission

To: Name: ALCON RESEARCH, LTD.  
Company: 6201 SOUTH FREEWAY  
Fax Number: 18175514610  
Voice Phone:

From: Name: ASSIGNMENT SERVICES BRANCH  
Voice Phone: 571-272-3350

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

#### Fax Notes:

Pg#	Description
1	Cover Page
2	450.TXT
4	Document 1, Batch 1003323

USPTO ASSIGNMENT SYSTEM PROCESSING

Date and time of transmission: Friday, August 10, 2007 9:03:30 AM  
Number of pages including this cover sheet: 04

*Handwritten signature*  
8/16/07





**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUGUST 09, 2007

PTAS



\*500331418\*

ALCON RESEARCH, LTD.  
6201 SOUTH FREEWAY  
MS TB4-8  
FORT WORTH, TX 76134-2099

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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RECORDATION DATE: 08/09/2007

REEL/FRAME: 019672/0888  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 2395 US A

ASSIGNOR:  
HELLBERG, PEGGY E.

DOC DATE: 08/09/2007

ASSIGNEE:  
ALCON, INC.  
P.O. BOX 62  
BOSCH 69, SWITZERLAND CH-6331

SERIAL NUMBER: 11836309

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

TITLE: HISTONE DEACETYLASE INHIBITORS FOR TREATING DEGENERATIVE DISEASES  
OF THE EYE

USPTO

8/10/2007 9:03:56 AM

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TO:ALCON RESEARCH, LTD. CO, ANY:6201 SOUTH FREEWAY

019672/0888 PAGE 2

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PUBLIC RECORDS DIVISION

08/10/2007 FRI 08:05 [TX/RX NO 5198]

PATENT ASSIGNMENT

Electronic Version v1.1  
Stylesheet Version v1.1

08/09/2007  
500331418

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Peggy E. Hellberg	08/09/2007
RECEIVING PARTY DATA	
Name:	Alcon, Inc.
Street Address:	P.O. Box 62
City:	Bosch 69
State/Country:	SWITZERLAND
Postal Code:	CH-6331
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	11836309
CORRESPONDENCE DATA	
Fax Number:	(817)551-4610
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	817-615-5330
Email:	jason.derry@alconlabs.com
Correspondent Name:	Alcon Research, Ltd.
Address Line 1:	6201 South Freeway
Address Line 2:	MS TB4-8
Address Line 4:	Fort Worth, TEXAS 76134-2099
ATTORNEY DOCKET NUMBER:	2395 US A
NAME OF SUBMITTER:	Jason J. Derry
Total Attachments: 2 source=2395US_A_8807#page1.tif source=2395US_A_8807#page2.tif	

CH \$40.00 11836309

**PATENT ASSIGNMENT**

Electronic Version v1.1  
Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT
<b>CONVEYING PARTY DATA</b>	
<b>Name</b>	<b>Execution Date</b>
Peggy E. Hellberg	08/09/2007
<b>RECEIVING PARTY DATA</b>	
<b>Name:</b>	Alcon, Inc.
<b>Street Address:</b>	P.O. Box 62
<b>City:</b>	Bosch 69
<b>State/Country:</b>	SWITZERLAND
<b>Postal Code:</b>	CH-6331
<b>PROPERTY NUMBERS Total: 1</b>	
<b>Property Type</b>	<b>Number</b>
<b>Application Number:</b>	11836309
<b>CORRESPONDENCE DATA</b>	
Fax Number: (817)551-4610	
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	817-615-5330
Email:	jason.derry@alconlabs.com
Correspondent Name:	Alcon Research, Ltd.
Address Line 1:	6201 South Freeway
Address Line 2:	MS TB4-8
Address Line 4:	Fort Worth, TEXAS 76134-2099
<b>ATTORNEY DOCKET NUMBER:</b>	2395 US A

<b>NAME OF SUBMITTER:</b>	Jason J. Derry
<b>Signature:</b>	/Jason J. Derry, Reg. 50,692/
<b>Date:</b>	08/09/2007
<b>Total Attachments: 2</b> source=2395US_A_8807#page1.tif source=2395US_A_8807#page2.tif	
<b>RECEIPT INFORMATION</b>  <b>EPAS ID:</b> PAT340874 <b>Receipt Date:</b> 08/09/2007 <b>Fee Amount:</b> \$40	

## ASSIGNMENT

WHEREAS I am the below named inventor of the invention entitled:

"HISTONE DEACETYLASE INHIBITORS FOR TREATING  
DEGENERATIVE DISEASES OF THE EYE"

and described in a United States Patent Application filed with the United States Patent and Trademark Office on August 9, 2007, and further identified by Attorney Docket No. 2395 US A; and

WHEREAS, ALCON, INC., a company organized under the laws of Switzerland and having a place of business at P. O. Box 62, Bösch 69, CH-6331 Hünenberg, Switzerland is desirous of acquiring the entire right, title and interest in and to said invention and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, I do hereby sell, assign and transfer to ALCON, INC., its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, I hereby agree that I will not execute any writing or do any act whatsoever conflicting with these presents, and that I will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant and render all necessary assistance in making application for and obtaining original, divisional, continuation-in-part, reexamined, reissued, or other Letters Patent of the United States or of any and all foreign countries on said invention and in enforcing any rights in action accruing as a result of such applications or patents, said assistance to include my cooperation in all prosecution associated with obtaining such applications or patents and my provision of testimony in any proceedings or transactions involving such applications or patents, it being understood that the

foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of assignor and assignee.

AND I request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said ALCON, INC., its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in said patent and the invention covered thereby.

Full name of inventor:

Peggy E. HELLBERG

Address:

3002 Oak Cove Road  
Arlington, Texas 76017

Inventor's signature:

Peggy E. Hellberg

Date:

8-9-07

Citizenship:

United States of America

STATE OF TEXAS

§

§

COUNTY OF TARRANT

§

On this 9<sup>th</sup> day of August, 2007, before me personally appeared **Peggy E. Hellberg**, to me known to be the person named in and who executed the above instrument, and acknowledged to me he/she executed the same for the uses and purposes therein set forth.



Deborah Ann Weinschenk  
Notary Public

Docket #: 2395 US A